

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

JAMES THOMAS BOYLAN, # 2021030023

PLAINTIFF

V.

CIVIL ACTION NO. 3:22-CV-322-KHJ-MTP

LAUDERDALE COUNTY DETENTION
FACILITY, et al.

DEFENDANTS

ORDER

Before the Court is the [25] Report and Recommendation (“Report”) of United States Magistrate Judge Michael T. Parker. He recommends dismissal of the case without prejudice. Written objections to the Report were due by February 6, 2023. The Report notified the parties that failure to file written objections to the findings and recommendations by that date would bar further appeal in accordance with 28 U.S.C. § 636.

When no party has objected to a magistrate judge’s report and recommendation, the Court need not review it de novo. 28 U.S.C. § 636(b)(1). In such cases, the Court applies the clearly erroneous, abuse of discretion, and contrary to law standards of review. *See United States v. Brigham*, 569 F.3d 220, 228 (5th Cir. 2009) (citation omitted).

Boylan filed this action on June 13, 2022, when he was a pretrial detainee at the Lauderdale County Detention Center. [1]. The Court has since entered orders adding defendants, Order [10], dismissing two defendants, Order [11], directing the

Clerk to issue Notices of Lawsuit and Requests for Waivers of Service to the remaining defendants, Order [12], and referring the case to the Magistrate Judge, Order [14]. All orders were mailed to Boylan's address of record but were returned as undeliverable. Having received no change of address, the Court entered an Order to Show Cause on November 18, 2022. Order [17].

Boylan failed to respond, so the Court entered a Second Order to Show Cause on December 19, 2022. Order [22]. To date, he has not provided a change of address or otherwise contacted the Court. The Court has warned Boylan that failure to prosecute or obey any Court order, including keeping the Court apprised of his address, may lead to dismissal of his case.

District courts have discretion to dismiss an action sua sponte for a plaintiff's failure to prosecute or comply with a court order pursuant to Federal Rule of Civil Procedure 41(b) and its inherent authority to control its cases. *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30 (1962). Boylan has not complied with the Court's directives, notified it of any change of address, or otherwise contacted the Court. Accordingly, the Report recommends denial of his pending Motions for Leave to Proceed *in forma pauperis*, [2], [5], [7], and dismissal of his case without prejudice.

Boylan did not object to the Report, and his time to do so has passed. The Court finds that the Magistrate Judge's Report is not clearly erroneous or contrary to law. The Court therefore adopts the [25] Report and Recommendation of United States Magistrate Judge Michael T. Parker as the findings of the Court. Accordingly, the Court DISMISSES Boylan's case without prejudice pursuant to

Federal Rule of Civil Procedure 41(b). The Court will issue a separate Final Judgment consistent with this Order.

SO ORDERED, this the 9th day of February, 2023.

s/ *Kristi H. Johnson*
UNITED STATES DISTRICT JUDGE